

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

KENNETH YAUGER,	:	Case No. 1:18-cv-736
Plaintiff,	:	
	:	Judge Timothy S. Black
vs.	:	
	:	Magistrate Judge Karen L. Litkovitz
STATE OF OHIO, <i>et al.</i> ,	:	
Defendants.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 4) and
TERMINATING THIS CASE IN THIS COURT**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on October 30, 2018, submitted a Report and Recommendation (Doc. 4). Plaintiff filed two objections (“Objections”). (Docs. 6, 7).¹

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does

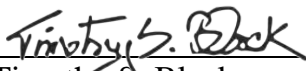
¹ The Objections are not well-taken. Plaintiff argues that the Magistrate Judge erred in recommending dismissal of this action because she does not have personal knowledge of the facts in this case (Doc. 6 at 3), but the Magistrate Judge properly conducted a review of the facts as alleged in the Complaint. Plaintiff argues that sovereign immunity does not shield states from lawsuits premised on constitutional violations (Doc. 6 at 3-4), but the Magistrate Judge properly found that the states of Ohio and Kentucky are immune from some of Plaintiff’s claims (*i.e.*, the state law claims), and that the Complaint does not set forth sufficient facts from which the Court may reasonably infer a constitutional violation on the balance of claims. Plaintiffs’ Objections are **OVERRULED**.

determine that the Report and Recommendation should be and is hereby adopted in its entirety. Accordingly:

1. The Magistrate Judge's October 30, 2018, Report and Recommendation (Doc. 4) is **ADOPTED**;
2. Plaintiff's Objections (Docs. 6, 7) are **OVERRULED**;
3. Plaintiff's Complaint is **DISMISSED with prejudice**;
4. In light of this Decision and Entry, Plaintiff's motion for assistance of counsel (Doc. 9), motion for acceptance of offer (Doc. 10), motion for declaratory judgment (Doc. 13), and declaratory judgment and relief (Doc. 14) are **DENIED as moot**;
5. Pursuant to 28 U.S.C. § 1915(a)(3), an appeal of this Order would not be taken in good faith, and Plaintiff is denied leave to appeal *in forma pauperis*. Plaintiff may apply to proceed *in forma pauperis* in the Court of Appeals; and
6. The Clerk shall enter judgment accordingly, whereupon this action is **TERMINATED** in this Court.

IT IS SO ORDERED.

Date: 12/11/18



Timothy S. Black
United States District Judge